

Application Serial No. 10/605,934  
Docket No. 42994.0217  
Amendment and Reply dated October 5, 2004  
Reply to Office Action mailed on August 6, 2004

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### *Remarks*

Applicant hereby replies to the Office Action mailed on August 6, 2004 within the shortened three month period for reply. Claims 1-20 were pending in the application and the Examiner objects to claims 7 and 16 and rejects Claims 1-20. Applicant amends claims 7 and 16 as suggested by the Examiner, obviating the objection to those claims. Applicant amends claims 1, 2, 19 and 20 as set forth above. No new matter is added by this amendment and reconsideration of the patent application is requested.

### **Claim Objections**

The Examiner objects to claims 7 and 16 due to informalities. Claims 7 and 16 are amended as set forth above to correct the informalities and the amendments are unrelated to patentability. Applicant asserts that the Examiner's objections to these claims are now moot and respectfully requests that the objection of these claims be withdrawn.

### **§ 112 Rejections**

The Examiner rejects claims 1, 19 and 20 under 35 USC 112 as being indefinite. Claims 1, 19, and 20 are amended as set forth above to further clarify the subject limitations and the amendments are unrelated to patentability. Applicant asserts that the Examiner's rejections to these claims are now moot and respectfully requests that the rejection of these claims be withdrawn.

### **§ 102 Rejections**

The Examiner rejects claims 1, 2 and 4 under 35 USC 102(b) as being anticipated by Brooks (U.S. Patent No. 1,444,324). Applicant respectfully traverses this rejection. Applicant's invention is distinguished from Brooks because, for example, the Brooks blade does not extend beyond the end of the blade holder, thereby limiting the functionality of the knife. For example, the Brooks knife is not suitable for inserting the corner of the blade deep into thick cardboard. In contrast, the present invention includes a blade which extends longitudinally beyond the end of the blade holder, thereby allowing, for example, the corner of the blade to be inserted deep into thick cardboard. As such, the Brooks reference does not disclose or suggest, a blade "wherein said cutting edge extends longitudinally beyond said second edge of said neck", as required by independent claims 1 and 2. Accordingly, the Brooks reference does not anticipate claims 1 and 2, as such, Applicant respectfully requests withdrawal of the rejection of claims 1 and 2.

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Similarly, as claim 4 depends from claim 2, Applicant submits that this claim is likewise allowable and thus requests withdrawal of the rejection of claim 4 as well.

The Examiner also rejects claims 2, 3, 6-8 and 10-13 under 35 USC 102(b) as being anticipated by McNamara (U.S. Patent No. 2,265,775). The Examiner likewise rejects claims 2, 3, 5, 15, 16, 17, 19 and 20 under 35 USC 102(b) as being anticipated by Harwell (U.S. Patent No. 2,134,973). Applicant respectfully traverses these rejections. The McNamara and Harwell disclosures are limited to utility knives with blades having a main blade section and a thicker base section, wherein the thicker base section extends beyond the plane of the bulk of the main blade section. Particularly, the McNamara knife functions only with blades having a thicker metal base as a means of securing the blade in the knife. The McNamara blade is limited to a metal base which forms a wider channel that holds the non-cutting edge of the thinner blade.

With regard to holder 11 of the McNamara knife, the holder includes an elongated channel having a wider opening at the bottom of the channel and a narrow opening 14 at the top of the longitudinal channel. As such, the McNamara blade can only be inserted into the neck by sliding the wider base of the blade into the proximate end of the holder and through the wider bottom length of the holder. As such, McNamara does not include a "blade of uniform thickness with a reduced thickness edge which tapers to form a cutting edge", as required by independent claim 2.

The Harwell design likewise includes a blade receiving channel 19 having both a wider and a narrower section 19 b and 19 d to receive and retain blades having a thicker base section. Furthermore, the Harwell design functions only with blades having the traditional centered through hole to secure the blade in the knife. For example, a modern uniform thickness utility blade with top edge notches would pivot loose from Harwell's center hole prong design. Additionally, two-piece blades may be more expensive and may not be as widely available or widely used as the modern one-piece edge notch blade.

Accordingly, the McNamara and Harwell references do not anticipate claim 2, as such, Applicant respectfully requests withdrawal of the rejection of claim 2. Similarly, as claims 3, 5-8, 10-13, 15-17 and 19-20 variously depend from claim 2, Applicant submits that these claims are likewise allowable and thus requests withdrawal of the rejection of these claim as well.

#### **§ 103 Rejections**

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The Examiner also rejects claim 9 under 35 USC 103(a) as being unpatentable over McNamara (U.S. Patent No. 2,265,775). Examiner asserts that McNamara shows all of the claimed structure except for the shape of the blade. Applicant respectfully traverses this rejection. As discussed above, McNamara fails to disclose a blade having a uniform thickness, but rather requires a blade having a thicker base to facilitate blade retention in the holder 11. Accordingly, Applicant asserts that McNamara does not render claim 9 obvious and Applicant requests that the rejection of this claim be withdrawn.

The Examiner also rejects claim 14 under 35 USC 103(a) as being unpatentable over McNamara (U.S. Patent No. 2,265,775) in view of Wonderley (U.S. Patent No. 6,026,575). Applicant respectfully traverses this rejection. As discussed above, McNamara fails to disclose a blade having a uniform thickness. Accordingly, Applicant asserts that McNamara, even in view of Wonderley does not render claim 14 obvious and Applicant requests that the rejection of this claim be withdrawn.

The Examiner also rejects claim 18 under 35 USC 103(a) as being unpatentable over McNamara (U.S. Patent No. 2,265,775) in view of Glesser (U.S. Patent No. 4,347,665). Applicant respectfully traverses. Neither McNamara nor Glesser suggest a blade having a uniform thickness. Accordingly, Applicant asserts that McNamara, even in view of Glesser does not render claim 18 obvious and Applicant requests withdrawal of the rejection of this claim.

Applicant respectfully submits that the pending claims are in condition for allowance. No new matter is added in this Response. Reconsideration of the application is thus requested. The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 19-2814. A duplicate copy of this sheet is enclosed. Applicant invites the Office to telephone the undersigned if the Examiner has any questions regarding this Reply or the present application in general.

Respectfully submitted,

Dated: October 5, 2004

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